

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

In re:)	
)	
CURDELL PETTIS,)	Case No. 18-71406-SCS
<i>Debtor.</i>)	
)	
)	
CURDELL PETTIS,)	APN 18-07020-SCS
<i>Plaintiff,</i>)	
)	
v.)	
)	
REAL TIME RESOLUTIONS, INC.,)	
NIMBUS 9 CAPITAL L.P.,)	
LAWYERS TITLE REALTY)	
SERVICES, INC.,)	
MORTGAGE ELECTRONIC)	
REGISTRATION SYSTEMS, INC.,)	
AS BENEFICIARY,)	
MICHAEL P. COTTER,)	
CHAPTER 13 TRUSTEE,)	Chapter 13
<i>Defendants.</i>)	
)	

ORDER TO SHOW CAUSE

On July 20, 2018, Curdell Pettis (the “Plaintiff”), by counsel, filed a “Complaint to Determine Validity, Extent, and/or Priority of Liens” (the “Complaint”). An order cancelling the initial pretrial conference was entered on August 28, 2018 (the “Cancellation Order”). In the Cancellation Order, the Court stated that it was the responsibility of the Plaintiff to request another summons from the Clerk of Court. Rule 4(m) of the Federal Rules of Civil Procedure, as incorporated into the Federal Rules of Bankruptcy Procedure by Rule 7004, provides as follows, in pertinent part:

Time Limit for Service. If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Upon the Court's review of the docket in this matter, it appears that the Plaintiff has failed to comply with the terms of the Cancellation Order and with the Federal Rules of Bankruptcy Procedure regarding proper service of the Complaint upon all of the Defendants within 90 days of the filing of the Complaint.

Accordingly, the Court ORDERS Shanna C. Harris, Esquire, counsel for the Plaintiff, to appear at the United States Bankruptcy Court, 600 Granby Street, Courtroom One, Norfolk, Virginia, at 9:30 a.m. on Thursday, November 15, 2018, and show cause why the Complaint should not be dismissed for failure to comply with Rule 4(m) of the Federal Rules of Civil Procedure, as incorporated into the Federal Rules of Bankruptcy Procedure by Rule 7004, or in the alternative, why good cause exists such that this Court must extend the time for service for an appropriate period of time.

The Clerk shall deliver copies of this Order to counsel for the Plaintiff; the Plaintiff; counsel for the Defendants; or to the unrepresented parties themselves.

IT IS SO ORDERED.
Oct 23 2018

/s/ Stephen C. St.John
STEPHEN C. ST. JOHN
Chief United States Bankruptcy Judge

Entered on Docket: Oct 23 2018